



07 MAY 2003

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In re Application of
BURTON, et al.
U.S. Application No.: 10/088,627
PCT No.: PCT/ZA00/00173
Int. Filing Date: 18 September 2000
Priority Date: 17 September 1999
Attorney Docket No.: 4804SAB-1
For: NOVEL MICRO-ORGANISMS, THEIR USE AND:
METHOD FOR PRODUCING D-AMINO ACIDS :

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 06 February 2003 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required sequence listing from the date of 22 July 2002 until the filing a grantable petition pursuant to 37 CFR §1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3). It is noted that the "Notification of Missing Requirements" (Form PCT/DO/EO/905) was mailed 28 June 2002 set a two month period for reply. As such, the present application became abandoned as to the US on 28 January 2003.

A review of the application file reveals that applicant has now provided a Sequence Listing for the present application and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Applicant provided \$2100.00 with the present petition. The petition fee for a petition under 37 CFR 1.137(b) is \$1300.00, as such, \$800.00 will be credited to Deposit Account No.: 19-1970.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision. The 35 U.S.C. 371(c) date is **22 July 2003**.

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